G. R. S. IX-5]

Resume

Previous references.

Ch 54-13(14, 22-24)
" " (28-28)
" 38-16(9+12)

1917-18
(Courts)

File No. 56-17

Serial Nos. 1 to 4

Later references.

Chs 30-19(1-2)
" 152-18(1-15)
" 226-18, 19

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

Part B for March 1918.

SUBJECT.

Programme of work involving Recurring and Non-Recurring Expenditure in the Judicial Dept during the next five years.

4) To the Registrar Chief Court-
" Comptroller & Govt.
No J 3960-1 dt 26-3-1918

Sanctions the proposal for the Purchase of a type-writer for each Munsiffs' Court & directs that required grants as specified be provided in the budget for the next five years on account of Purchase of books.

Sd Abdur Rahman Khan
17-5-1918

W D 88—GPB—50,000—24-7-16

G. R. S. 11] 1917.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 56-17

FILE HEADING.

Programme of works involving recurring and non-recurring expenditure in the Judicial Dept during the next five years.

From

The Registrar, Chief Court

No. Current 277 / 17-18 Dated 29.8.17 Received 30.8.17

Diary No. J-503	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that of the Suggestions called for and received from Dist Judges in the matter some have been referred back for the opinion of certain officers and submits a few items for the consideration of Govt.

NOTES AND ORDERS.

Submitted with reference to G.O. no. 6001-48 G.M. 185-12-5 dated 2.4.1913. reviewing the Annual Report of the P.W. Dept for 1911-12. Para 6 of that order refers Forecasts of expenditure on buildings &c. in the P.W.D, but the Chief Court have gone further and are

* Were prepared by the Chief Engr in consultation with Heads of Depts

NOTES—First Sheet.

503 (2

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | ct File No. 56 of 1917.

Serial No.

drawing up a complete programme of all improvements and changes that may be effected during the next five years.

2) Subd for orders as to the action to be taken on the several points mentioned in the letter. If it is proposed to deal with them on their merits, separate references regarding each will have to be called for under standing orders

AOR
8/9
Title.

3) Submitted for favour of perusal. Most of the matters referred to pertain to this Secretariat, and if approved, the papers will be transferred to that office for disposal.

4/10

1422/5.10

Dist. Magistrate 4) Sir, The changes are not all. The above questions can must be taken up and dealt with. A quarterly progress report may be

5/10

5/10

2 From The Registrar, Chief Court
no. AOC 217 /1917-18 dt 2/10/17

Suggest improvement of the standard design of the Munsif's Court buildings in the State & request that he may be instructed to send a revised design for inspection of the Judge

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 56 of 1917.

	Serial No.	
P&D I " II		5) Submitted with a draft to the Secy, P.W.D, forwarding extract of paras 1&4 of the Registrar's letter of 29-8-17 & a copy of the letter of 2-10-17 for necessary action.
Paras 1 to 3 and 5 P&D I		6) After the issue of the draft, action will be taken on the other questions as advised by the first member in para 4 supra.
		Asst 21/11
	3	To The Secretary to Govt, P.W. Deptt. no. J1782 of 29.11.17 forwards for disposal extract of paras 1 to 4 of the Registrar's letter of 29-8-17 & also a copy of the letter of 2-10-17
Papers under Disp I.		7) Resubmitted with reference to the Member's orders in para 4 above. The other questions referred to are as follows:- (1) Revision of Estabt: No action seems necessary in the matter. The proposals for revision of the Estt of the Chief Court are under consideration in Council. Some proposals for the entertainment of Temp'y agency estabt in the Central Records, B'lore Divn & for adding to the Process Estt of the Madhagiri Munsiff's Court have been

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

4

I. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 56 of 1917.

Serial No.

received, and are being dealt with separately.

(2) Separation of Judl & Exec^ve functions:

The question is under consideration in Council.

(3) Extension of Village Courts:

Proposals for the establishment of village Courts where they do not exist are being sanctioned as they are received. No special action is perhaps necessary. The Chief Court say that "for the next five years Village Courts will still be more or less experimental".

(4) Extension of Courts of Honorary Magistrates.

At present there is an Honorary Magistrate's Court in ~~All~~ all District Head Quarter Towns except Chitaldrug. It is not clear what action is to be taken in the matter.

We may, I suppose call for their opinions of the Municipalities functioning places. — ER

(5) Court Libraries.

Paras 20 to 26 of the Registrar's letter deal with this question; and the proposals made involve the following addl recurring expr, —

(i) Munsiffs Court Libraries

20 Courts at Rs ~~100~~ 100 per annum } ... Rs 2,000

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

(5

G. R. S. III-2]

General and Revenue Secretariat. | (5 File No. 56 of 191).

Serial No.

B.7. 2,000

(ii) Sub Judge's Courts

3 Courts at Rs 500 / 25-0 per annum ... Rs 1500

(iii) District Judge's Courts

3 Courts at Rs 500 / 3-0 per annum ... Rs 1500

(iv) Chief Court. 500 ... " 2000.

Total Rs. 7,000.

The estimates for (ii) (iii) (iv) are stated to be for the next five years.

Submitted for orders

ASR 27/12. 27/12

8/ Govt. ordered recently the purchase of certain law reports & books for various courts - Please put up a file.

Es 71

9/ Submitted with the following collections on the subject. —

[X] A (i) Cts 54-13, Sls 14, 22-24.

(X) B (ii) " 54-13, Sls 25-28.

X C (iii) " 38-16, Sls 9 & 12.

ASR 28/1

10/ The only point on which orders of Govt. are necessary is that relating to the proposal of the Chief Court that the judges should be provided with a good library. There can be no doubt that books of reference are absolutely necessary for judges, and that the judge cannot-

(2) Details of [illegible] for [illegible] Courts [illegible] 25

(3) Indian Patriot for 1917-18 for Purchase Rs. 2800. For 1916-17 = 800

2593 24.1.18

Paras 20 to 26 of Paper under Disp I.

NOTE—Contn. sheet.

1503

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 56 of 1917.

Serial No.

be expected to buy himself law books which are generally very costly. May ask for an annual allotment of Rs 7000/- towards the purchase of books for 5 years. Will a print-order on this proposal be sanctioned now.

GS 24/1

First Memory

11) How much is the allotment asked for as noted in the previous page. — Also may the needful with the approval of the Hon'ble

12) I think the Hon'ble Mr. Chief Secretary may be consulted in the matter as the Medical Attendance Rules are a Provincial matter. The question of taking up the case further may be considered.

13) Please see remarks

24/1

14) Please put up draft Sanctioning the purchase of books as proposed in this proposal as the allotment for books as modified.

GS 25/1

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat. | File No. 56 of 1917.

Serial No.

15) Submitted with a draft G.O.

29/11/16 16) Draft as regards the purchase of type writers and books is submitted for favour of approval or this order. ~~After~~ Before issue, the Financial Branch has to be consulted. The allotment for the purchase of type writers may perhaps spread over 2 or 3 years. A comprehensive draft G.O. on the whole point referred to will be submitted as directed by the ~~Finl~~ Member.

29/1

N. 2037-17

Chief Secretary)

17) Consult Br. II & submit draft G.O. Member for approval.

WS

CK 13/2 13/2

Subd 18) No financial objection - provided funds are available for new items of expenditure under the Financial Settlement.

13/2/18

19) A consolidated list of all such items with the required information about the extent of available funds for disposal is ~~expected~~ to come up hereafter for consideration and orders must mark -

18 13.2.18

Br III)

III 1

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

(8

J. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 56 of 1917.

Serial No.

20) Submitted.
Asst
14/2 VLK

21) The draft is submitted for favour of approval. After approval some remaining queries regarding the claim matter referred to in the chief court will be taken up Seriatim and worked up and submitted for orders.

Es
22/2

First Member

3319
22/3.

22) Draft approved by the first Member

As.
22/3

Issue
Es
22/

4 do. The Registrar, Chief court & comptroller
No. J 3960-1 & 26.3.1918.

Sanctions the proposal for the purchase of a type writer for each Munsiff's court & directs that revised grants as specified be made provided in the budget for the next five years on account of purchase of books.

VR 5/4

Old file
VR 22/4

For further reference
vide cs file 213-17.

NOTE—Contn. sheet.

Comment No 277
1917-18.

Chief Court of Mysore,
Bangalore,
Dated 27th August 1917.

DIARY No. 1503.

From

N. T. Gopaliengar Esq., B.A., LL.B.,
Registrar of the
Chief Court of Mysore.

To

D. M. Narasinga Rao Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

With the object of ascertaining and considering what improvements and changes it may be necessary to attempt in the near future in connection with the working of the Judicial Department, and with a view to providing something in the nature of a programme of works involving expenditure recurring and non-recurring so as to some extent to meet the wishes of the Government as expressed in paragraph 6 of the review on the administration report of the Public Works Department for the year 1911-12, if possible, by laying out usefully any scheme of questions to be taken up in the near future, the Chief Court called for suggestions from District Judges to be framed in consultation with the judicial officers of experience and Law Associations and experienced practitioners and have received a number of proposals of greater and lesser importance. These have been taken into consideration and various suggestions have been referred again for the opinions of officers who have not already seen them, and will be dealt with hereafter.

(10

2. At present I am directed to submit a few points for the consideration of the Government.

3. Non-recurring expenditure is incurred chiefly on buildings and equipment, and recurring expenditure is mainly on establishments.

4. As regards buildings most of the officers consulted put in the forefront of their suggestions the provision of quarters for munsiffs in certain stations, and in the opinion of the Judges, this is a matter of importance.

5. They are aware that there are difficulties in the way of providing houses for officers of different communities and castes, and drawing salaries at different rates but they think the advantages to be gained outweigh the disadvantages.

6. It is obviously desirable that a munsiff should have for occupation a reasonably commodious house conveniently near his court and in as healthy a situation as circumstances will allow at a reasonable rent. It is also desirable that he should not be limited in his choice to the house or houses of a particular private landlord who may be a suitor in his court.

7. In places other than district head-quarters these desiderata are often not obtainable and in such places the Judges of the Chief Court are of opinion that the Government ought, even at the risk of losing money, to be prepared to supply the want. District head-quarters are by no means all well supplied with suitable accommodation for Government officers, and some officers consider that Government houses should be provided for all munsiffs except those whose courts are held in Bangalore or Mysore. Mr. Justice Paramasiva Iyer whose knowledge of the conditions of life throughout the Mysore State will be admitted, is decidedly of that opinion, but

at

at present the Judges are prepared to ask the Government to make provision for the construction in the course of the next five years of houses for munsiffs at Nanjangud, Sagar, Hole Narsipur, Maddagiri and Chickballapur - stations which are not the head quarters of districts, but at which so far as can be foreseen the munsiff's court is likely to be permanently retained.

8. The cost of each house is a matter for consideration. On the one hand the Government will reasonably require that at least the necessary upkeep be met out of the rent even if they are prepared to forego interest on the capital expended, and on the other, they will not expect to levy from any officer more than 10% (that is the maximum in Madras) of his pay as house rent. The Judges do not doubt that the department of Public Works will be able to solve the problem satisfactorily and they believe that if their proposals are accepted a step forward will have been taken towards the improvement in the position and efficiency of the officers on whom the administration of justice in the State very largely depends. The Judges are aware that the Government provides facilities to enable officers to build houses for themselves, but an officer can hardly be expected to build a house in an outlying and perhaps unhealthy station at which he cannot expect to hold his appointment for more than three years at a time, where he may when transferred find a difficulty in obtaining a tenant for it, and where he does not propose to settle himself.

9. As regards new Courts the Chief Court hope that in the near future the Government may be able to make provision for the construction of law courts at Bangalore. At present as the Government are aware the courts of the Subordinate Judges and the Munsiffs are not very satisfactorily located, and the earlier the scheme which the Judges understand has already

(12

already the approval of the Government can be put into execution, the better will it be for the administration of justice.

New Courts in the mufassal.

10. The Judges have considered also the question of the provision of new Courts in the mufassal. At present there are indications that the Chitaldroog district is likely to provide work at no distant date for a second permanent court, while in other localities the present courts may probably be found sufficient for the next five years. But an increase in litigation is of course a matter dependent on economic and other factors over which the Courts have no control, and an expansion of industrial and commercial operations, or an enhancement in the value of land owing to the extension or improvement of facilities for irrigation generally brings with it at any rate temporarily a considerable increase in the number of cases coming up for disposal. And the only way to deal with an increase of work expeditiously but without undue haste is to supply a sufficient number of courts of first instance.

11. The Judges however propose for the present that the Government should be prepared to allot funds for the construction of one Munsiff's court in the next period of five years.

12. The question of a change in the type design of a munsiff's court is under consideration but that will form the subject of a separate future communication.

Improvements & Repairs

13. Improvements to existing Courts are suggested by various officers. Waiting rooms for witnesses are asked for in many places. Those which seem most to require them are Nanjangud, Chitaldroog, Sagar, Kolar, Seringapatam, Dodballapur and Mysore. The average cost of them being about Rs.1500/- all these places may it may be hoped be equipped with them within the next five years.

14.

14. Other improvements to existing Courts are

(1) repairs and improvement in the lighting of the court at Sagar expected to cost about 500 rupees.

(2) Additional accommodation for the Sub Court at Shimoga. It is to be regretted that this recently constructed court has been built in such a way that the establishment is badly cramped for room and there is much difficulty in providing for the proper performance of the work of the court. The estimated cost of the improvements is roughly Rs.2000/-

(3) The extension of the Central Record Room at Bangalore which may cost perhaps Rs.3000/-. The work is very necessary as things stand but if, as is desirable, a central record room forms a part of the new law Courts and if they are to be put in hand early, it may be possible to do without the proposed extension.

(4) A compound wall round the Courts at Mysore. This is a very desirable improvement and is roughly estimated to cost Rs.2500/-.

15. As regards equipment the Judges propose to ask for the provision of a typewriting machine for each munsiff's court. It is hardly necessary to point out the desirability of this proposal: funds will be asked for at first for those courts in which there is an official capable of using the machine, and steps will be taken to enlist on the establishment of each Court an efficient typewriting clerk.

RECURRING EXPENDITURE.

16. A number of proposals have been received for effecting increases and changes in establishments but the Chief Court think that it is too soon after the recent revision to

send

send up fresh proposals of a general nature. That some increases will be necessary in particular courts may be taken for granted but the Chief Court do not, as at present advised, propose to ask for any general revision during the next five years. The question of the revision of the establishment of the Chief Court is now before the Government.

17. The principal scheme which is likely to involve recurring expenditure is the separation of Judicial and Executive Offices. As to that several proposals have been received but none in much detail and none which appears to the Judges to be preferrable to the scheme now before the Government. The Judges do not therefore propose now to ask the Government to consider any alternative scheme.

18. The extension of Village Courts is an important matter which is engaging the attention of the Government and which requires no further recommendation from the Judges. Some proposals have been received for the extension of the jurisdiction of these courts but they seem to be premature. For the next five years Village Courts will be still more or less experimental; and in any case the matter is not one involving expenditure and can be taken up at any time at which it seems ripe for consideration.

19. The extension of the Courts of Honorary Magistrates involves but little expenditure, but is deserving of consideration. It is not a matter on which the Judges are likely to be the best advisers of the Government as to details because the question is one of finding good local Magistrates, and beyond saying that the extension of these courts is desirable in all places where there is sufficient work and where the local officers are satisfied that efficient benches can be constituted, they cannot make definite proposals.

20. The last proposal involving recurring expenditure which I am to make in the present communication has

reference

15

reference to the court libraries: a crying want in all the Munsiffs' Courts and to a lesser extent in the courts of Subordinate and District Judges is a better supply of books - and a regular supply of good periodicals dealing with legal subjects.

21. Munsiffs are not as a rule in a position to equip themselves with sufficient libraries at their own expense more especially during the earlier years of their service when they most need facilities for the study of law. Technicaltext books are always expensive and legal text books are no exception to the rule: and bar libraries in stations where there is only a munsiff's court rarely contain a sufficient number of them.

22. Moreover it is not right that a munsiff should be required to provide his own tools for doing Government's work and the most essential of his tools are good and sufficient books.

23. Every munsiff's court should have at least one good and up to date text book or commentary on each branch of law that comes before him. Hindu Law, Muhammadan Law, private International Law, Contracts, Torts, Transfer of Property, Easements, Specific Relief, Fraudulent conveyances, Companies, Wills, Negotiable instruments, and text books on the more important variation of contractual relations such as Agency, Sale of goods, and partnership, of Torts such as libel and negligence in law, and of transfers, such as mortgages, and landlord and tenant, are also essential: also of course commentaries in which are collected references to all the authorities on procedure, evidence, stamps, court fees etc.

24. These are the merest essentials for any court library and of course much more is desirable. To maintain even this much as well as to provide for subscription to the authorised Britiah Indian reports and at least one good law periodical

periodical an annual allotment of Rs.100/- for books to each munsiff over and above the ordinary allotment for contingencies seems to be a minimum.

25. The courts of the Subordinate and District Judge require more than this. It is true that officers of the standing of District Judges and Subordinate Judges can be expected to provide themselves with some books, (Mr. Nagappa has a fairly extensive library of reports) and it is true that in Divisional Headquarters economies can be effected by constituting a central library for the use of all the Courts, and there may be bar libraries to which Judges can subscribe. But each Court must none the less have an adequate library of its own for constant reference.

26. The question of organising central libraries at the headquarters of Sessions divisions is now being taken up, but the Judges think that whatever may result from that investigation, for the next five years they will have to ask for an annual allotment of Rs.500/- for each of the District and for each of the Subordinate Judge's Courts, and ~~for~~ Rs.2000/- for the Chief Court.

I have the honor to be,

S i r,

Your most obedient servant,

R. Nagappa

REGISTRAR.

TSK

R.O.C. No.277/1917-18.

Chief Court of Mysore,

Bangalore, dated 27th September 1917.

From

N. T. Gopaliengar Esq., B.A., LL.B.,

Registrar of the

Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Secretary to the Government of Mysore,

General Department.

S i r,

With reference to paragraph 12 of this office letter No. C.277 of 1917-18 dated the 27/29th August 1917, I am directed to state that the Judges do not consider the existing standard design of the Munsiff's court building in the State quite suitable. Its principal defects are want of space for the establishment to work in, and the lack of light and air in the Court hall owing to its being surrounded by the rooms of the office except on one side. The accommodation for the members of the bar, an important part of the Court staff, is also generally insufficiently spacious and comfortable.

The Judges of the Chief Court have come to the conclusion that it is desirable to consider whether the design cannot be improved so as to provide for a full establishment of 14 officials, the area being calculated at the usual rate of cubic feet of air space and square feet of floor space with allowance for the necessary number of desks, chairs and almyras, unless a satisfactory arrangement of wall cupboards can be devised to economise space.

They

118

They are of opinion that the best design would provide for a court room upstairs with the Judge's retiring room and closet and another room for the lawyers as the practitioners have to be housed near the Court hall, if that can be done without depriving the Court hall of light and ventilation.

I am therefore to request that the Public Works Department may be instructed to have a design drawn up in the lines indicated and to send it on to this Court for the inspection of the Judges. The new type plan with the criticisms if any of the Judges will be submitted to the Goverrment for orders.

I have the honor to be,

S i r,

Your most obedient servant,

R. Vythilingam

R e g i s t r a r.

KP.

FORM R. S. VI—[illegible]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....J. 503.....

GENERAL AND REVENUE SECRETARIAT,
(Courts)
, *the* 191 .

Date of issue.....27.11.17.....

Signed by.....W. G. Srivastava.....

Section Courts
File No. 56-17
Serial No. 3

No. J 1782 Encls

To

The Secretary to Govt
P.W. Deptt

Sir,

I am directed to forward herewith for disposal an extract of paras 16 & 14 of letter no. current 277 1917-18 dy 29.8.17 from the Registrar, Chief Court, suggesting a programme &c of works for providing buildings &c in the Judicial Department during the next five years.

2. A copy of letter no. ROC 277 1917-18

over.

P.W.D. I

" II

2·10·17 from the same Officer regarding
e improvement of the design of the
unsiff court buildings in the State -
also sent for necessary action. -

Shaw L.
7/11/17
For chief secy

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

G.R.S. VI-71]

SUBJECT Purchase of Type Writers for Munsiffs' Courts and provision in the budget for Court Libraries.

Diary No. of letter replied to J 503

Section Courts
File No. 56-17
Serial No. 4

General and Revenue Secretariat
(Courts)
, the 191 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue

Signed by

Read.—

Paras 15 and 20 to 26 of letter no. Current 277-1917-18 dt 27/28.8.17 from the Registrar, Chief Court, recommending (1) that a type-writing machine may be provided for each Munsiff's Court and (2) that for the next five years grants as noted in the margin may be allotted in the budget of the Judicial Dept for the purchase of books in the several Courts in the State.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Order Thereon:— No.

(x)
(i) Rs 100 for each Munsiff's Court
(ii) " 500 " Sub Judges "
(iii) " 500 " Dt Judges "
(iv) " 2000 " the Chief Court.

over.

Order. No.

Govt are pleased to sanction the proposal of the Chief Court for the purchase of a type writer for each Munsiff's court.

2. Regarding the allotment for the purchase of books, Govt direct that grants as noted in the reversed margin (*) be provided in the budget for the next five years.

One third of the number of machines required may be purchased in the next year, and an equal number in the subsequent years.

(*)

	Rs
For each Munsiff's Court ...	100.
" Sub Judge's " ...	250
" District " ...	300
For the Chief Court	500.

28/12
29/1 Chief Secretary

To the Registrar, Chief Court,
" Comptroller to Govt.

Copy to Branch II.

Addl Secy 29/1

22/3.

List of enclosures.

Copied by

Examined by